

BOX -- RESPONSES -- FEES

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231



**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION UNDER 37 U.S.C. § 1.53(b)
AND PRELIMINARY AMENDMENT**

Dear Sir:

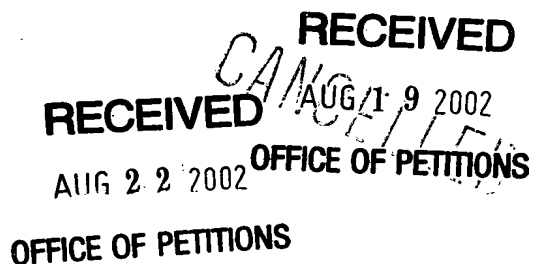
I. Introduction

The Notice To File Missing Parts was mailed on February 15, 2002 and had a deadline for response of two months. A copy of the Notice is enclosed. Applicants have requested a four (4) month extension of time for filing this Response, or until August 15, 2002, and enclose a check which covers the \$720.00 Extension Fee, and other fees enumerated below. Accordingly, the filing of this Response To Notice To File Missing Parts of Nonprovisional Application Under 37 U.S.C. § 1.53(b) on August 15, 2002, with a Certificate of Mailing Under 37 C.F.R. § 1.8(a) is timely.

II. The Missing Parts

A. Declaration

The Notice To File Missing Parts indicates that the oath or declaration is missing. Accordingly, Applicants submit as **EXHIBIT A** hereto the Declaration, Power of Attorney and Power to Inspect executed by the Inventors, Raymond J. Gorte and John M. Vohs, on August 5 and 6, respectively. As required, the Declaration is in compliance with 37 CFR 1.63, identifying Application No. 10/053,085, filed November 9, 2001. A copy of the Application as filed is attached to this Declaration, Power of Attorney and Power to Inspect.



B. Late Filing Fee or Oath or Declaration Surcharge

The Notice To File Missing Parts indicates that a late filing fee or oath or declaration surcharge of \$65.00 is required and is one of the fees incorporated in Applicants' check.

C. Substitute Drawings in Compliance with 37 CFR 1.84

Substitute drawings are required in order bring the margins into conformity with 37 CFR 1.84(g), which specifies that each sheet is to have a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch) and a bottom margin of at least 1.0 cm. (3/8 inch). Accordingly, Applicants submit as **EXHIBIT B** substitute drawings with the specified margins and consisting of (FIGURES 1A, 1B, 2A, 2, 2C, 2D, 2E, 3, 4A, 4B, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 on 15 sheets)

III. Preliminary Amendment

Applicants request that the following amendment be made to the Application, which is intended to claim the benefit of an earlier filing date of United States Provisional Patent Application No. 60/289,462. Applicants file as **EXHIBIT C** a Petition under 37 CFR § 1.78 (a)(3) Requesting Acceptance of Unintentionally Delayed Claim. The \$1,240.00 surcharge established by 37 CFR § 1.17(t) is also enclosed.

In the Specification

On page 1, line 1, make the following insertion:

Cross-Reference To Related Applications

This patent application claims the benefit of [pending] United States Provisional Patent Application No. 60/247,444 filed November 9, 2000, pending United States Provisional Patent Application No. 60/269,525 filed February 19, 2001, **United States Provisional Patent Application No. 60/289,462 filed May 8, 2001**, and [pending] United States Provisional Patent Application No. 60/308,313 filed July 27, 2001, the entire disclosures of which are incorporated by reference herein.

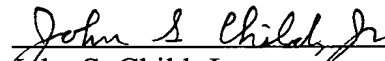
Applicants attach as **EXHIBIT D** a clean copy of the Amendment to the Specification and as **EXHIBIT E** a marked up copy of the Amendment to the Specification.

IV. Conclusion

With this Response, Applicants believe that the requirements for acceptance of Application No. 10/053,085 under 35 U.S.C. 371 have been completed. Accordingly, Applicants request that the next Office Action be the issuance of a filing receipt.

Respectfully submitted,

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation


John S. Child, Jr.

PTO Registration No. 28,833

Enclosures:

A copy of the Notice To File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b)

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

Petition For Four-Month Extension of Time Under 37 C.F.R. § 1.136(a)

Authorization To Charge Deposit Account (original and 1 copy)

Check in the amount of \$2,025.00, which includes:

\$720.00 for the Request for a four-month extension of time;

\$65.00 for the Declaration surcharge; and

\$1,240.00 for the Petition Requesting Acceptance of Unintentionally Delayed Claim

Response To Notice To File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b), including a Preliminary Amendment and:

Exhibit A: Declaration, Power of Attorney and Power To Inspect executed by Raymond J. Gorte and John M. Vohs with a copy of the Application as filed November 9, 2001 attached

Exhibit B: A set of drawings with corrected margins (FIGURES 1A, 1B, 2A, 2B, 2C, 2D, 2E, 3, 4A, 4B, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 on 15 sheets)

Exhibit C: Petition Requesting Acceptance of Unintentionally Delayed Claim Under 35 U.S.C. § 119 for the Benefit of a Prior Filed Application

Exhibit D: A clean copy of the Amendment to the Specification

Exhibit E: A marked up copy of the Amendment to the Specification

Return postcard



MP/\$ DAC #3

PATENT
Attorney Docket No. UPA 2437C

THE UNITED STATES PATENT AND TRADEMARK OFFICE

United States Serial No. : 10/053,085
Filing Date : November 9, 2001
Inventors : Raymond J. Gorte
and John M. Vohs
Title : THE USE OF SULFUR-CONTAINING FUELS
FOR DIRECT OXIDATION FUEL CELLS

1601 Market Street, Suite 720
Philadelphia, PA 19103-2307
(215) 563-4100 (TELEPHONE)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper entitled "Response To Notice To File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b)" is being sent by First Class mail, postage prepaid, in an envelope properly addressed to "BOX -- RESPONSES -- FEES, Commissioner of Patents, Washington, D.C. 20231" on August 15, 2002.

August 15, 2002
Date of Certification

Georgia M. Peters
Georgia M. Peters

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)

The Notice To File Missing Parts was mailed on February 15, 2002 and had a deadline for response of two months. Applicants hereby request a four (4) month extension of time for filing this Response, or until August 15, 2002, and enclose a check which includes the \$720.00 Extension Fee.

Respectfully submitted,

John S. Child, Jr.
John S. Child, Jr.
PTO Registration No. 28,833

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

In the event the fee calculation is incorrect, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed for fee-processing, if necessary.

08/21/2002 MBERHE 00000120 041406 10053085
01 FC:218 720.00 OP

DANN DORFMAN HERRELL AND SKILLMAN
A Professional Corporation

John S. Child, Jr.
John S. Child, Jr.
PTO Registration No. 28, 833

RECEIVED

AUG 22 2002

OFFICE OF PETITIONS

08/21/2002 MBERHE 00000120 041406 10053085
02 FC:205 65.00 OP

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AUG 19 2002
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